

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

STAG WILLIAMSPORT, LLC,

Plaintiff,

v.

BHN ASSOCIATES, LLC,

Defendant.

Civil Action No.
1:21-cv-11958-NMG

**PLAINTIFF STAG WILLIAMSPORT, LLC'S MOTION TO DISMISS BHN
ASSOCIATES, LLC'S COUNTERCLAIMS FOR FAILURE TO PROSECUTE AND
RENEWED MOTION FOR ENTRY OF DEFAULT.**

Defendant and Counterclaimant BHN Associates, LLC ("BHN") has unduly delayed this matter, failed to adhere to any of its discovery obligations, provided misleading statements to this Court, and made no serious effort to either pursue its counterclaims and/or defendant against Plaintiff STAG Williamsport, LLC's ("STAG") claims. Consequently, this Court should dismiss BHN's counterclaims, with prejudice, for failure to prosecute, and enter a default against BHN on STAG's claims.

BACKGROUND

1. This case is about the disposition of \$450,000.00 being held in escrow by this Court. On June 7, 2021, STAG entered into a contract for the sale of real estate with BHN. The contract required BHN to deposit certain funds into an escrow account ("Escrowed Funds"), which, in the event BHN defaulted, STAG was entitled to keep.

2. In August of 2021, BHN, without justification, refused to close on the sale, and subsequently refused to allow the Escrowed Funds to be released to STAG.

3. In October 2021, STAG filed suit in Massachusetts state court, seeking the release of the Escrowed Funds and related attorney's fees.

Motion allowed. SGM/Gorton, USDJ 10/30/2023